

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/920,071
Applicant: Aye *et al.*
Filed: August 1, 2001
Title: 3-D HLCD System And Method Of Making

Group Art Unit: 2872
Confirmation No.: 4421

Docket No.: 16LP-134175
Examiner: Boutsikaris, Leonidas

**DECLARATION OF LEONARD TACHNER IN SUPPORT OF
PETITION FOR REVIVAL OF ABANDONED APPLICATION UNDER 37 CFR
1.137**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Leonard Tachner, declare as follows:

1. I am a resident of the state of California and a citizen of the United States of America.
2. I am a principal of the firm Leonard Tachner, PLC, a Professional Law Corporation, also known as "The Law Offices of Leonard Tachner." I am an attorney licensed in the state of California and registered to practice before the United States Patent and Trademark Office. My registration number is 26344.
3. I was retained by the Physical Optics Corporation to represent them for all matters relating to docketing, prosecution and maintenance of their patents and patent applications worldwide.

4. The Physical Optics Corporation is the owner of the entire right, title, and interest in U.S. Patent Application No. 09/920,071, filed on August 1, 2001 and entitled "3-D HLCD System And Method Of Making."

5. At the time the subject patent went abandoned for failure to timely file a proper reply to the November 18, 2002 Office Action, my office was outside counsel for Physical Optics Corporation, and was responsible for this matter.

6. My office takes reasonable steps to ensure timely response to actions and timely payment of maintenance fees. My office uses a docketing system to track actions and fees due and their associated due dates and that we took reasonable steps to ensure that matters were timely entered into the system. Actions due and dates tracked included payment of maintenance fees, responses to office actions, payment of issue fees and other like docketing items.

7. I provided regular status reports to the Physical Optics Corporation detailing statuses, actions due, fees due and deadlines for all worldwide patents and applications.

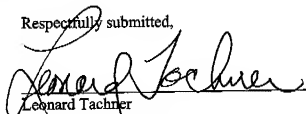
8. The failure to file a proper reply was due to a docketing error and was unavoidable.

9. Accordingly, the entire delay in appropriately replying to the November 18, 2002 Office Action until the filing of an RCE was unavoidable and unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 12-5-07


Leonard Tachner
Registration No. 26,344